



October 5, 2012

To: Citizen Participation Organizations and Interested Parties  
From: Andy Back, Interim Long Range Planning Manager *AMB*  
Department of Land Use & Transportation  
Subject: **PROPOSED A-ENGROSSED ORDINANCE NO. 757**

On August 20, 2012, you were notified that initial public hearings for proposed Land Use Ordinance No. 757 were to be held before the Planning Commission on September 19, 2012, and the Board of County Commissioners (Board) on October 2, 2012. On October 2, 2012, the Board ordered substantive amendments to this ordinance. These changes have been incorporated into proposed **A-Engrossed Ordinance No. 757** and are summarized below.

### **Ordinance Purpose and Summary**

Ordinance No. 757 proposes to amend the Community Development Code (CDC) relating to the extension of approval periods for certain development applications from two years to four years.

### **Who Is Affected**

Persons seeking preliminary land use approval for certain types of development requests or extension requests for certain types of development.

### **What Land is Affected**

Land subject to a request for preliminary land use approval or extension request.

### **Original Ordinance No. 757 Provisions**

As originally filed, Ordinance No. 757 proposed the following amendments to the CDC:

- Several sections of the Community Development Code are amended by extending the initial preliminary approval period for Type II and Type III land use decisions from two years to four years.
- The time period for demonstrating that development has occurred (commencement of development) is extended from three to five years.

### **Proposed A-Engrossed Ordinance No. 757 Provisions**

Proposed **A-Engrossed Ordinance No. 757** incorporates all of the above-described amendments plus the following proposed amendments:

- Change the Type II review process for extension requests to a Type I review
- Limit extensions to a single two-year period

### **Public Hearings - Time and Place**

#### **Board of County Commissioners**

**October 16, 2012**  
**10:00 am**

**October 23, 2012**  
**6:30 pm**

Hearings will be held in the Shirley Huffman Auditorium in the Charles D. Cameron Public Services Building, 155 N. First Avenue, Hillsboro, Oregon.

On October 23, 2012, the Board may choose to adopt the ordinance, make changes to it, continue the hearing to a future date, or reject the ordinance. If it is adopted, it would become effective on November 23, 2012.

**Community  
Development Code  
Standards Amended**

- Section 201, Development Permit
- Section 401, Introduction
- Section 605, Land Divisions and Property Line Adjustments Inside a UGB
- Section 610, Land Divisions and Property Adjustments Outside a UGA

**How to Submit  
Comments**

Submit oral or written testimony to the Board at one of the public hearings. Written testimony may be mailed or faxed to the Board in advance of the public hearings in care of the Long Range Planning Division. **We are unable to accept e-mail as public testimony.**

Washington County, Long Range Planning Division  
155 N. First Ave., Suite 350-14, Hillsboro, OR 97124-3072  
Fax: 503-846-4412

**Staff Contact**

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**Proposed Ordinance is  
available at the  
following locations:**

- Washington County Department of Land Use & Transportation  
Long Range Planning Division, 155 N. First Avenue  
Hillsboro, OR 97124-3072 Telephone: 503-846-3519
- [www.co.washington.or.us/LUT/Divisions/LongRangePlanning/  
2012-land-use-ordinances.cfm](http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2012-land-use-ordinances.cfm)
- Cedar Mill Community Library and Tigard Public Library
- Citizen Participation Organizations (CPOs); Call 503-821-1128 for a directory of CPOs.

WASHINGTON COUNTY BOARD OF COMMISSIONERS

Agenda Category: Public Hearing – Third Reading and Third Public Hearing  
Land Use & Transportation; County Counsel (CPO All)

Agenda Title: PROPOSED A-ENGROSSED ORDINANCE NO. 757 – AN  
ORDINANCE AMENDING THE COMMUNITY DEVELOPMENT  
CODE REGARDING EXTENSION OF APPROVAL PERIODS  
FOR CERTAIN DEVELOPMENT APPLICATIONS

Presented by: Andrew Singelakis, Director of Land Use & Transportation  
Alan Rappleyea, County Counsel

SUMMARY:

A-Engrossed Ordinance No. 757 proposes to amend the Community Development Code Element of the Comprehensive Plan regarding extension of approval periods for certain development applications, to change the Type II review process for extension to a Type I review, and to limit the number of extensions available to a single two-year period. A-Engrossed Ordinance No. 757 is posted on the county's land use ordinance web page at the following link:

<http://www.co.washington.or.us/LUT/Divisions/LongRangePlanning/2012-land-use-ordinances.cfm>

This is the second required public hearing for A-Engrossed Ordinance No. 757. The first hearing for the engrossed ordinance was held on October 16, 2012.

Consistent with Board policy, testimony about the ordinance is limited to two minutes for individuals and ten minutes for a representative of a group. A staff report will be provided to the Board prior to the October 23, 2012 hearing, posted to the webpage listed above, and copies of the report will also be available at the Clerk's desk prior to the hearing.

DEPARTMENT'S REQUESTED ACTION:

Read A-Engrossed Ordinance No. 757 by title only and conduct the third public hearing. At the conclusion of the hearing, adopt A-Engrossed Ordinance No. 757.

COUNTY ADMINISTRATOR'S RECOMMENDATION:

I concur with the requested action.

ADOPTED

Agenda Item No. 3.c.  
Date: 10/23/12

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR WASHINGTON COUNTY, OREGON

A-ENGROSSED ORDINANCE No. 757

An Ordinance Amending the Community Development Code (CDC) Element of the Comprehensive Plan Regarding Extension of Approval Periods for Certain Development Applications

The Board of County Commissioners of Washington County, Oregon, ordains as follows:

SECTION 1

A. The Board of County Commissioners of Washington County, Oregon, recognizes that the Community Development Code Element of the Comprehensive Plan (Volume IV) was readopted with amendments on September 9, 1986, by way of Ordinance No. 308, with portions subsequently amended by Ordinance Nos. 321, 326, 336-341, 356-363, 372-378, 380, 381, 384-386, 392, 393, 397, 399-403, 407, 412, 413, 415, 417, 421-423, 428-434, 436, 437, 439, 441-443, 449, 451-454, 456, 457, 462-464, 467-469, 471, 478-481, 486-489, 504, 506-512, 517-523, 525, 526, 528, 529, 538, 540, 545, 551-555, 558-561, 573, 575-577, 581, 583, 588, 589, 591-595, 603-605, 607-610, 612, 615, 617, 618, 623, 624, 628, 631, 634, 635, 638, 642, 644, 645, 648, 649, 654, 659-662, 667, 669, 670, 674, 676, 677, 682-686, 692, 694-698, 703, 704, 708, 709, 711, 712, 718-720, 722, 725, 730, 732, 735, 739, 742-745, and 755.

B. Subsequent planning efforts of Washington County indicate a need for changes to the Community Development Code to extend the expiration period for preliminary approvals or final approval permits for land divisions and property line adjustments. On October 2, 2012, at its first public hearing for Ordinance 757, the Board ordered engrossment to implement staff's recommendation to (1) change the review process for certain extensions from a Type II to a Type I

1 process and (2) limit the extensions to a single, two-year period. These changes to Ordinance 757  
2 are as depicted in this section and on the attached Exhibit 1 of this ordinance. The Board takes note  
3 that such changes are for the health, welfare, and benefit of the residents of Washington County,  
4 Oregon.

5 C. Under the provisions of Washington County Charter Chapter X, the Department of  
6 Land Use and Transportation has carried out its responsibilities, including preparation of notices,  
7 and the County Planning Commission has conducted one or more public hearings on the proposed  
8 amendments and has submitted its recommendations to the Board. The Board finds that this  
9 Ordinance is based on those recommendations and any modifications made by the Board are a  
10 result of the public hearings process;

11 D. The Board finds and takes public notice that it is in receipt of all matters and  
12 information necessary to consider this Ordinance in an adequate manner, and finds that this  
13 Ordinance complies with the Statewide Planning Goals, the standards for legislative plan adoption  
14 as set forth in Chapters 197 and 215 of the Oregon Revised Statutes, the Washington County  
15 Charter, the Washington County Community Development Code, and the Washington County  
16 Comprehensive Plan.

17 SECTION 2

18 Exhibit 1 (5 pages), attached hereto and incorporated herein by reference, is hereby adopted  
19 as amendments to the Community Development Code as follows:

- 20 a. Page 1: Amending CDC Section 201, DEVELOPMENT PERMIT, 201-4 Expiration;  
21 b. Pages 1-2: Amending CDC Section 201, DEVELOPMENT PERMIT, 201-5 Extension;

- 1 c. Page 2: Amending CDC Section 401, INTRODUCTION, 401-5 General Provisions –  
2 Development Review;
- 3 d. Pages 2-3: Amending CDC Section 605, LAND DIVISIONS AND PROPERTY LINE  
4 ADJUSTMENTS INSIDE A UGB, 605-2 Urban Land Divisions (Partitions and  
5 Subdivisions); and
- 6 e. Pages 4-5: Amending CDC Section 610, LAND DIVISIONS AND PROPERTY LINE  
7 ADJUSTMENTS OUTSIDE A UGB, 610-2 Rural Land Divisions (Partitions and  
8 Subdivisions).

9 SECTION 3

10 All other Comprehensive Plan provisions that have been adopted by prior ordinance, which  
11 are not expressly amended or repealed herein, shall remain in full force and effect.

12 SECTION 4

13 All applications received prior to the effective date shall be processed in accordance with  
14 ORS 215.427.

15 SECTION 5

16 If any portion of this Ordinance, including the exhibit, shall for any reason be held invalid  
17 or unconstitutional by a body of competent jurisdiction, the remainder shall not be affected  
18 thereby and shall remain in full force and effect.

19 SECTION 6

20 The Office of County Counsel and Department of Land Use and Transportation are  
21 authorized to prepare planning documents to reflect the changes adopted under Section 2 of this  
22 Ordinance, including deleting and adding textual material and maps, renumbering pages or sections,

1 and making any technical changes not affecting the substance of these amendments as necessary to  
2 conform to the Washington County Comprehensive Plan format.

3 SECTION 7

4 This Ordinance shall take effect thirty (30) days after adoption.

5 ENACTED this 23 day of October, 2012, being the 3rd reading and  
6 3rd public hearing before the Board of County Commissioners of Washington County,  
7 Oregon.

8 BOARD OF COUNTY COMMISSIONERS  
9 FOR WASHINGTON COUNTY, OREGON

10 **ADOPTED**

11   
12 CHAIRMAN

13   
14 RECORDING SECRETARY

15 READING

16 PUBLIC HEARING

17 First October 2, 2012  
18 Second October 16, 2012  
19 Third October 23, 2012  
20 Fourth \_\_\_\_\_  
21 Fifth \_\_\_\_\_

22 First October 2, 2012  
Second October 16, 2012  
Third October 23, 2012  
Fourth \_\_\_\_\_  
Fifth \_\_\_\_\_

VOTE: Aye: Duyck, Schouten, Rogers, Terry Nay: \_\_\_\_\_

Recording Secretary: Ana Noyola Date: October 23, 2012

**1. Community Development Code Section 201 DEVELOPMENT PERMIT is amended to reflect the following:**

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**201-4 Expiration**

201-4.1 Except as outlined below under Section 201-4.2 or as otherwise specifically provided in this Code, a Development Permit shall expire automatically ~~two (2)~~ four (4) years from the date of issuance unless one of the following occurs first:

- A. The Development Permit is revoked as provided for in Section 201-7 or as otherwise invalidated by a body of competent jurisdiction; or
- B. An application for an extension is filed pursuant to Section 201-5; or
- C. The development has commenced as provided in Section 201-6.
- D. Upon final approval by the County of a permit, if the permit is appealed to a body of competent jurisdiction, the ~~two~~ four-year permit period shall be tolled until a final, unappealed decision by a competent jurisdiction is made.

In addition to A., B., C. and D., land divisions and property line adjustments shall expire automatically ~~two (2)~~ four (4) years from the date of preliminary or final approval, whichever is applicable, as specified in Article VI.

\*\*\*

**201-5 Extension**

201-5.1 Extension in all Districts Except the EFU and AF-20 Districts

If an extension is desired, the holder of the Development Permit must file an application for an extension prior to expiration of the Development Permit. Unless approved, an extension request does not extend the expiration date. Extension requests shall be processed as a ~~Type II~~ Type I action. An extension may be granted for a maximum of two (2) years from the original date of expiration except as provided in Section 427-5.8. Subsequent ~~two-year~~ extensions may not be granted, ~~except as provided in Section 427-5.8. Extensions shall be granted only upon findings that:~~

- ~~A. Commencement could not practically occur for reasons beyond reasonable control of the Permit holder;~~
- ~~B. The request for extension is not sought for purposes of avoiding any responsibility imposed by this Code or the Permit;~~



- ~~C. There has been no change in circumstances or the law likely to necessitate significant modification of the development approval or conditions of approval; and~~
- ~~D. For residential development applications, the density is consistent with the density requirements of the primary district.~~

\*\*\*

**2. Community Development Code Section 401 INTRODUCTION is amended to reflect the following:**

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**401-5 General Provisions – Development Review**

**401-5.1 Procedures**

The review of applications through the provisions of Sections 403 and 404 may be processed through a two step process consisting of a preliminary review and a final review. Preliminary review shall be through the procedure type listed in the applicable land use district. Final review shall be through a Type I procedure, unless otherwise specified by the Review Authority in the preliminary approval.

**401-5.2 Expiration**

Preliminary approval shall expire automatically ~~two (2)~~ four (4) years from the date of approval unless final approval has been granted or development has commenced pursuant to Section 201-6 or an extension, according to the provisions of Section 201-5, has been requested and approved.

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**3. Community Development Code Section 605 LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS INSIDE A UGB is amended to reflect the following:**

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**605-2 Urban Land Divisions (Partitions and Subdivisions)**

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**605-2.1 Procedures**

Partitions and subdivisions shall be processed through a two-step process consisting of a preliminary review and a final review.

**A. Preliminary Review:**

abcdef Proposed additions  
~~abcdef~~ Proposed deletions

The preliminary review of a partition or subdivision shall:

- (1) Be through a Type I procedure when in an approved SID and in conformance with the approved SID.
- (2) Be through a Type II procedure when no variance from the standards of this Code is required; or
- (3) Be through a Type III procedure when a variance from the applicable standards of this Code is required or when required by the applicable Community Plan or when in conjunction with a Type III development.
- (4) Expire automatically ~~two (2)~~ four (4) years from the date of approval unless prior to expiration:
  - (a) A request for final review, which includes all required information, is filed with the County; or
  - (b) A request for an extension is filed with the County pursuant to Article II; or
  - (c) Development is commenced pursuant to Section 201-6. If the Director determines that development has commenced prior to final approval, the preliminary review shall expire ~~three (3)~~ five (5) years from the date of approval unless final approval is granted.

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#### 605-2.4 Submission Requirements for Final Review of all Land Divisions

Requests for final review of a subdivision or partition shall be submitted within ~~two (2)~~ four (4) years of preliminary approval and shall include the following information:

##### A. Necessary copies of the final plat which shall include the following information:

- (1) The location, right-of-way, width and centerline of all streets within the boundary of the site;
- (2) All existing and proposed easements shall be shown and shall be clearly identified as to intended purpose. The width of the easement, its length and bearing and sufficient ties to locate the easement with respect to the plat shall be shown;
- (3) The name of new streets as approved by the County Surveyor;
- (4) Identification of land (e.g., lots or tracts), to be dedicated or reserved for any purpose, public or private, to distinguish it from lots or parcels intended for sale. Land not intended to be buildable shall be so identified;

\*\*\*

abcdef Proposed additions

~~abcdef~~ Proposed deletions

**4. Community Development Code Section 610 LAND DIVISIONS AND PROPERTY ADJUSTMENTS OUTSIDE A UGB is amended to reflect the following:**

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**610-2 Rural Land Divisions (Partitions and Subdivisions)**

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**610-2.1 Procedures**

Partitions and subdivisions shall be processed through a two-step process consisting of a preliminary review and a final review.

**A. Preliminary Review:**

The preliminary review of a partition or subdivision shall:

- (1) Be through a Type II procedure when no variance from the standards of this Code is required; or
- (2) Be through a Type III procedure when a variance from the applicable standards of this Code is required or when in conjunction with a Type III development.
- (3) Subsequent phases of a Rural Planned Development which has an approved phasing schedule may be processed through a Type I procedure when the following criteria are met:
  - (a) All the conditions of approval apply to the subsequent phase; and
  - (b) The lot configurations remain as approved.
- (4) Expire automatically ~~two (2)~~ four (4) years from the date of approval unless prior to expiration:
  - (a) A request for final review, which includes all required information, is filed with the County; or
  - (b) A request for an extension is filed with the County pursuant to Article II; or
  - (c) Development is commenced pursuant to Section 201-6. If the Director determines that development has commenced prior to final approval, the preliminary review shall expire ~~three (3)~~ five (5) years from the date of approval unless final approval is granted

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610-2.4 Submission Requirements for Final Review of all Land Divisions

Requests for final review of a subdivision or partition shall be submitted within ~~two (2)~~ four (4) years of preliminary approval and shall include the following information:

A. Necessary copies of the final plat, which shall include the following information:

- (1) The right-of-way location, width and centerline of all streets within the boundary of the site;
- (2) All existing and proposed easements shall be shown and shall be clearly identified as to intended purpose. The width of the easement, its length and bearing and sufficient ties to locate the easement with respect to the plat shall be shown;
- (3) The name of new streets approved by the County Surveyor;
- (4) Identification of land (e.g., lots or tracts) to be dedicated or reserved for any purpose, public or private, to distinguish it from lots or parcels intended for sale. Land not intended to be buildable shall be so identified;
- (5) A declaration as required by ORS Ch. 92.075;
- (6) A non-graphic notation on the plat of any flood plain or drainage hazard area, including the flood plain or drainage hazard area elevation and the affected lots or parcels;
- (7) Plat restrictions required in the preliminary approval; and
- (8) Unless a subsurface sewerage permit or site evaluation approval has been issued from the appropriate agency for all the preliminary approved lots or parcels, a notation shall be placed on the plat stating that the allowance of the partition or subdivision does not warrant that sewer or septic tank approval is or will be available to the affected lots or parcels. However, lots or parcels created in the RR-5 District pursuant to Section 350-6.1 C. are required to obtain a subsurface sewerage permit or site evaluation approval as required by Section 350-6.1 C. (2).

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